

families if Washington mostly stays out of the way.

We needed the Federal Government to stop creating so many economic headwinds and start creating a few tailwinds. So we achieved historic tax reform, major regulatory reform, and all kinds of economic policies geared toward helping workers and middle-class families earn more and then send less to the IRS.

The way Republicans see it, these ideas are actually no-brainers. So as long as you believe in the promise and potential of American workers and small businesses, this is clearly the way to go, and the results continue to speak for themselves.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Daniel Aaron Bress, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Illinois.

#### MAJOR LEAGUE BASEBALL PARK SAFETY

Mr. DURBIN. Madam President, if you are a baseball fan, and many of us are, this is a big day—the day of the All-Star game.

I would like to spend just a few moments reflecting on an important issue for the fans of baseball across America.

Thirty-five million people every year enjoy one of America's great summer experiences—seeing a game at a Major League Baseball park. Fans join their friends and family to eat hot dogs, nachos, peanuts, and so much more. We sing the national anthem together at the start of the game and “Take Me Out to the Ball Game” at the seventh inning stretch, a tradition started by a man named Harry Caray in a place called Wrigley Field.

Some—the more dedicated fans—keep scorecards of home runs, RBIs, and earned run averages. Sadly, there is another statistic that has been seeing more and more attention lately—injuries to fans.

A Bloomberg report from 2014 estimated 1,750 fans suffer injuries in Major League Baseball parks every

season. Some are hit by balls; others are injured trying to escape being hit by a ball. This is far too many.

On May 29, a 2-year-old girl was hit by a foul ball at Houston's Minute Maid Park. She suffered bleeding, bruises, and brain contusions from the ball's impact. Her skull was fractured. She continues to suffer seizures.

What makes her injuries even more disturbing is that they likely could have been prevented had the safety netting behind homeplate been extended.

Cubs outfielder Albert Almora, who hit the ball, was so devastated by the little girl's injuries that he could barely speak. One will never forget the image of his head bowed, crying, when he saw the damage that was done to this innocent little 2-year-old girl by a foul ball that he hit.

What did he say afterward? “I want to put a net around the whole stadium.”

In the weeks following, we have seen more injuries in the stands. On June 10, a woman was struck by a line drive at Guaranteed Rate Field in Chicago. Two weeks later, a young woman was hit by a foul ball at Dodger Stadium in Los Angeles.

A survey by the polling organization FiveThirtyEight found that 14,000 more foul balls were hit in 2018 than 1998, and there is just no way—no way—for fans to entirely protect themselves. Here come these baseballs at 105 miles an hour off the bat. Even if you are watching it intently, you just can't protect yourself or the people you love who are watching the game with you. Bryant Gumbel made that point on his cable TV show on this very subject.

If fans can't do more, baseball teams can. In 2017, after a child was hit by a line drive at Yankee Stadium in New York, I wrote a letter to Major League Baseball commissioner Rob Manfred. I urged the league to extend safety netting at all Major League Baseball stadiums past the home plate to the far edge of each dugout. To their credit, the league did exactly that.

It is now clear, however, that is not enough. The little girl at Minute Maid Park was 10 feet beyond current netting.

In June, the Chicago White Sox became the first Major League Baseball team to announce it is going to extend netting to the foul poles. Let me tip my hat to Jerry Reinsdorf, the owner of the Chicago White Sox, for leading the way with this safety measure. The Washington Nationals, the Texas Rangers, and the Pittsburgh Pirates are all planning to do the same, and the Los Angeles Dodgers are conducting a study before making a protective strategy permanent.

I commend all these clubs for their leadership and commitment to fan safety, but I think we need more. We need a leaguewide standard.

Last month, my colleague from Illinois, Senator TAMMY DUCKWORTH, and I wrote to Commissioner Manfred calling

on all 30 Major League Baseball teams to extend the protective netting to the right- and left-field corners.

Folks who complain that extending the safety netting to the foul poles will create an obstructed view ignore the obvious—right now, the most expensive seats in baseball are behind the nets, and people don't complain. It is something you get used to, and you can get used to the safety of it as well. We should be reminded that the most expensive and popular seats have been behind netting for decades.

In 2002, a 13-year-old girl named Brittanee Cecil died after being struck in the head by a hockey puck at a National Hockey League game in Columbus, OH. The National Hockey League responded quickly, ordering protective netting behind the goal. Major League Baseball should show equal concern for its fans.

Ensuring the safety of fans at baseball stadiums is a tradition that stretches back to 1879, when the Providence Grays put up a screen behind homeplate to shield fans from the area that was called “the slaughter pen” at that time.

The increasing number of fans hit by balls makes it clear that new safety standards are needed at ballparks.

Today, we will see Major League Baseball's finest players at the All-Star game. Baseball fans deserve the best too. I urge Commissioner Manfred and all baseball teams to extend safety netting at Major League Baseball parks to the foul poles. Let's not wait until next season. Increasing fan safety is a win for everyone.

#### PRESCRIPTION DRUG COSTS

Madam President, if you ask the American people about issues they truly care about, let them volunteer what they think about, what they worry about, the No. 1 item on the list is the cost of prescription drugs.

We all know the problem. You reach a point where you need a drug or someone in your family needs a drug, and then you face the reality of what it is going to cost. If you are lucky, and you have a good health insurance plan, it covers the cost—no worries—but for many people, that is not the case. They have copays and deductibles or sometimes no real coverage when it comes to the cost of prescription drugs.

Of course, the prices of these drugs are way beyond our control. You go to a drugstore, and you are shocked to learn that what sounded like a great idea in the doctor's office turns out to be a very expensive idea at the cash register. For some people, it is an inconvenience, an annoyance, but for other people, it is a burden they just can't bear. They can't pay the cost. It is just too much.

Some of these drugs are just not minor additions to your life; they may be matters of life and death. In those circumstances, what are you to do?

I am reminded of people I have met across my State of Illinois as I have talked about this issue. One group

stands out because there are many of them—people who are suffering from diabetes.

Of course, they know that using insulin and taking care of themselves is the way to have a good, normal life, but it turns out that the cost of insulin has gone up dramatically.

Did you know that insulin was discovered in Canada almost 100 years ago? The researchers who discovered this drug—this life-saving drug for diabetes—said at the time that they were going to surrender their legal patent rights to sell the drug for \$1, give it away for \$1. Do you know why? They said it was because no one should make a profit on a life-or-death drug. That was almost 100 years ago. But what are we faced with today? We are faced with a dramatic increase in the cost of insulin, a life-or-death drug.

I have sat down with parents and their children and talked about what they go through to have enough insulin so that their diabetic daughter can survive. It is incredible. Mothers in retirement go back to work to take a job to pay for the daughter's insulin.

The cost of insulin has gone up dramatically. In 1999, Humalog—a very common form of insulin made by Eli Lilly—ran about \$39 a vial. What has happened to the cost of that drug in 20 years? It has gone up to \$329, a dramatic increase on a drug that was discovered 100 years ago.

At the same time, Eli Lilly is selling that drug in Canada for \$39—\$329 in the United States. Why? Because the Canadian Government has said to Eli Lilly: That is the most you can charge in our country. We are going to fight for the people who live in Canada to have affordable drugs.

Let me ask an obvious question. Who is going to fight in the United States for affordable drugs for our people, for those sons and daughters with diabetes—and not just for diabetes but so many other conditions for which life-and-death drugs are now being priced way beyond the reach of ordinary Americans? Do you know who is supposed to fight? We are supposed to fight for it. That is why we were sent here—Members of the U.S. Senate and the House of Representatives—to pass legislation to bring these under control.

Now we have legislation coming forward from the Senate HELP Committee on the issue of healthcare, and many of us had hoped that committee would use this opportunity to put in provisions to bring the cost of prescription drugs under control. Unfortunately, with only one exception, the bill is silent on the major issues.

The measures coming out of the Senate Judiciary Committee, where I serve, don't go to the heart of the matter. They really will not make a big difference on the insulin scandal that we are now facing or on the cost of drugs in general.

I had a simple measure that I introduced with Republican Senator CHUCK

GRASSLEY last year. Think about this. Have you ever seen an ad for drugs on television? If your answer is no, it is because you obviously don't own a television. You can't turn it on without seeing a drug ad, right? And if you watch during the day, when many seniors are watching, it is one after the other after the other.

I have said with amusement here we have even reached the point at which we can not only pronounce but spell the word XARELTO. We see those ads so often for XARELTO and HUMIRA and so many other things that they just bombard us. Why? They bombard us with these ads in the hope that consumers watching those TV ads will go to the doctor and say: Doctor, I need XARELTO.

Well, XARELTO is a blood thinner. There are other alternatives that are much cheaper. But if you ask for that high-priced prescription drug and the doctor doesn't want to get in a debate with you and puts it on the prescription pad, guess what you have just done. You may have the right drug for you at the moment—maybe—but you may have just added to the cost of healthcare by putting the most expensive drug out as an option when another form would work just as well.

In all of the things they tell you about these ads, some of the things I think are the most amazing and amusing are claims like this: If you are allergic to XARELTO, don't take XARELTO. Excuse me. How will I know I am allergic to it? After I take it, maybe.

Those sorts of things and warnings about suicide and death and everything else come at us, but there is one thing that isn't included in those drug ads—one very basic thing. Excuse me, Eli Lilly; excuse me, Sanofi. How much does this cost? They don't tell you because it is shocking sometimes for them to tell you that some of these drugs cost thousands of dollars, and perhaps getting rid of that little red patch on your elbow of psoriasis will not be worth \$5,000 a month if you know the price.

So Senator GRASSLEY and I put this in the bill last year and passed it in the Senate. How about that? It happens so rarely around here. We passed in the Senate a bill that required the drug companies to disclose the actual list price that they list for the cost of the drug. It passed the Senate, and it got killed in a conference with the House when the pharmaceutical companies came in and said: We don't want to tell anybody what these drugs cost.

Then I got an interesting call from the Trump administration. Notice, I am on the Democratic side of the aisle, so I was surprised. Dr. Azar from Health and Human Services called me and said: We like your bill. The President wants to make your bill the law, so we are going to pass a rule that requires drug companies to disclose the cost of pharmaceutical drugs on their ads. Direct-to-consumer advertising

has to tell the cost of the drug. Well, that is progress—a rule in that direction.

Do you know what happened yesterday? In a Federal court hearing in Washington, the judge struck down that rule. The judge said: Congress, you haven't given this administration or any administration the authority to do that on its own. You have to change the law, giving it the authority, or you have to change the law itself to require the disclosure of drug pricing. Does it sound like a radical idea to people that we would disclose to them how much these drugs cost in the drug advertising itself? It isn't unusual for people to list the cost of items we buy every day. When it comes to lifesaving drugs, shouldn't we have that disclosure as well? Well, I hope we will. I hope this bill that is coming to the floor will consider that as well as several other aspects when it comes to prescription drug pricing.

For example, did you know that the Veterans Administration, on behalf of the men and women who have served our country, actually negotiated with the pharmaceutical companies to have lower prices for the drugs that are used in VA hospitals and clinics? They sit down with these same drug companies and negotiate lower prices for our veterans. Good. Our veterans deserve it. But why won't our Federal Government negotiate for those who are under Medicare? Why can't we use the same drug formulary and pricing for the VA when it comes to Medicare? If we want to give our veterans a break—and we should—why wouldn't we give our seniors a break?

I think we ought to have negotiated pricing in Medicare. I think the drug companies will get along just fine. Incidentally, they are pretty profitable today. If we had that commitment for renegotiating for Medicare, it could make a difference.

I also think we ought to take on this insulin issue head-on—head-on. A story on "60 Minutes" recently was about a heartbroken mother from Minnesota whose son was on her health insurance plan under ObamaCare until he reached the age of 26. Then he was on his own. He was managing a restaurant. He didn't have drug coverage, and he was diabetic. He couldn't afford to pay the thousand dollars that was being charged for his insulin, so he decided to ration the dosage himself. It cost him his life. He, unfortunately, died because he couldn't afford enough insulin at the high prices that are currently being charged.

We can change that. We can come to the side of consumers across America, to families who are trying to keep their kids alive, and many others. We can do that because we work in a place called the U.S. Senate, but in order to do that, we have to act like Senators. We have to say to the pharmaceutical companies: I am sorry, but there comes a point where you have pushed it way too far. There comes a point where we

have to step in on behalf of families and consumers in America and speak up on their behalf. Watch closely to see if that happens.

The gentleman who was on the floor, my colleague from Kentucky, will be the person who will decide that. Senator McCONNELL will decide whether we are going to challenge the pharmaceutical companies this year.

Do you remember how I started? It is the No. 1 issue that American families volunteer to us. So is it important? Yes. Secondly, will it make a difference? You bet—not just in Illinois but I bet in Kentucky as well. Many a family can step forward and talk about how tough it is to pay for these prescription drugs.

Do we have a chance to do it? You bet we do. There is a series of bills coming out of committee in the next couple of weeks. We could bring this to the floor of the Senate. Wouldn't that be amazing if the U.S. Senate, instead of doing a handful of nominations of people you have never heard of, ended up actually passing a bill, making a law that addresses the issue of prescription drug pricing in America? That, to me, is a reason we were sent here.

What I would like to see and hope to see is a bipartisan effort. We Democrats are ready to stand up, but there are certain things we believe in. First, we believe in keeping the Affordable Care Act on the books. People with preexisting conditions shouldn't be discriminated against. Families ought to be able to keep their kids on their health insurance plans until kids reach the age of 26. We are willing to fight for that even though this week there is a lawsuit by the Trump administration to do away with it.

Secondly, we believe we should negotiate prices under Medicare so that seniors get the price breaks that our veterans get today and many others do too.

Third, we need to do something about the overpricing by these drug companies, not just price disclosure on the ads but changing the patent laws to give American consumers a fighting chance. Canada is fighting for Canadians. When is America going to fight for Americans?

When it comes to pharmaceutical prices, this is our chance to do it, and we can get it done in the next 2 weeks. Who will decide that? The majority leader from Kentucky, MITCH McCONNELL. He will decide whether this comes to the floor, whether it is important enough to the people living in Kentucky, Illinois, New York, Mississippi, or wherever. It is his choice. It is in his power to make that decision. I hope the American people will reach out to him to encourage him to do that.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### U.S. WOMEN'S WORLD CUP VICTORY

Mr. SCHUMER. Madam President, yesterday, I sent a letter to U.S. soccer that officially invited the U.S. women's soccer team to come to the Senate to celebrate their outstanding World Cup victory. Happily, I heard last night that Megan Rapinoe, one of the team's cocaptains and stars of the tournament, has accepted our invitation. I greatly look forward to scheduling a time when these inspiring women can come to the Nation's Capital.

What they have accomplished on and off the pitch is a credit to our Nation. Millions of young girls and young boys look up to these players. Millions of women, sports fans or not, admire the light they have shown on the disparities between the men's and women's game—part of a broader fight for equal treatment and fair pay in the workplace for all women.

I believe it would be a fitting tribute to this great women's soccer team to bring legislation to the Senate floor that would make it easier for women to get equal pay in the workplace. The House has already passed a bill to do just that. I call on Leader McCONNELL, again, to bring that bill to the floor of the Senate, particularly in light of the great victory of the women's team and the knowledge that they get paid much less than the men, even though they work just as hard and bring, at least in recent years, even greater glory to the United States.

Wouldn't it be great if we could pass that bill while the women's national team is visiting the Chamber? Wouldn't that send a powerful message of our commitment to rooting out discrimination everywhere?

I urge Leader McCONNELL to consider it. Right now that bill lies in Leader McCONNELL's all-too-full legislative graveyard. Perhaps this great victory might spring it free so that we could do something for women's equality.

JEFFREY EPSTEIN

Madam President, on a much less happy note, this week, billionaire Jeffrey Epstein was indicted in New York on Federal sex trafficking charges. The newly released evidence of Epstein's behavior involving dozens of children is sickening, is appalling, is despicable.

Epstein should have been behind bars years ago, but, unfortunately, the Secretary of Labor, Alex Acosta, cut Epstein a sweetheart deal while Acosta was a U.S. attorney in Florida in 2008. While a Federal prosecutor, Acosta signed a nonprosecution agreement that allowed Epstein and his co-conspirators to remain free and evade justice, despite overwhelming evidence.

Mr. Acosta hid this agreement from Epstein's victims. No one can figure out why Mr. Epstein was able to persuade U.S. Attorney Acosta not to prosecute, other than that Epstein could afford high-powered, high-priced attorneys. As the Miami Herald editorial board wrote this morning, it was not just that Acosta failed to get it right in 2008; the evidence suggests "he didn't care to."

Accordingly, I am asking three things. First, I am calling on Secretary Acosta to resign. It is now impossible for anyone to have confidence in Secretary Acosta's ability to lead the Department of Labor. If he refuses to resign, President Trump should fire him. Instead of prosecuting a predator and serial sex trafficker of children, Acosta chose to let him off easy.

This is not acceptable. We cannot have as one of the leading appointed officials in America someone who has done this—plain and simple.

Second, I am calling on the Department of Justice's Office of Professional Responsibility to make public the results of its review of Acosta's handling of the Epstein case. Senators MURRAY and KAINE have called for these findings, but the Justice Department so far has stonewalled, has refused to make them public. This rebuke cannot be kept in the dark, and there should be hearings.

Third, the President needs to answer for the statements he has made about his relationship with Mr. Epstein. In 2002, he said he had known Epstein for 15 years and that he was a "terrific guy" who enjoyed women "on the younger side." Epstein was also reportedly a regular at the Mar-a-Lago Club for years. The President needs to answer for this, and "I don't recall" is not an acceptable answer in this case, particularly since President Trump appointed Mr. Acosta to such a powerful position.

#### HEALTHCARE

Madam President, on healthcare, today oral arguments begin in *Texas v. United States*, and the fate of our entire healthcare system hangs in the balance due to this nasty, cruel lawsuit led by President Trump's Department of Justice. If the courts ultimately strike down the law, the healthcare of tens of millions of Americans would be gone—gone. Prescription drug costs, high enough as they are, would go up even further. Protections for preexisting conditions that affect more than 100 million Americans would be eliminated. A mother or father whose child had cancer would have to watch them suffer because the insurance company could cut them off and say: We are not paying for this anymore.

We cannot tolerate that. Yet President Trump and his administration and 19 Republican attorneys general filed a suit that would do just that.

The case reveals the depth of the hypocrisy and cruelty of the Republican position on healthcare. Senate Republicans, come campaign season, express unequivocal support for protections for preexisting conditions, but they have repeatedly blocked our attempts to have the Senate intervene in this lawsuit and fight back against the Trump administration's position, which threatens to eliminate these very same protections.

I say to my Republican friends: You can't have it both ways. You can't say "Oh, I want to protect people with preexisting conditions," and then prevent

us from doing something to actually protect them. Instead, they are going along, knees shaking, with President Trump's cruel lawsuit, and that is what every Republican in this Chamber—just about every Republican—has done.

President Trump has himself issued—also totally hypocritical—a laundry list of quotes in support of protections for preexisting conditions. He talks all the time about bringing down prescription drug costs while his administration actively pursues this lawsuit, which would raise the cost of drugs and eliminate protections for preexisting conditions.

How much hypocrisy can America tolerate? It is mind-bending. The hypocrisy is patently obvious. I don't care if you love President Trump. You should be calling him out for this hypocrisy, which will affect the vitality—God's most precious gift to us—the ability to live long and healthy and well. President Trump is trying to take it away, despite what he says to you, Trump supporters.

Senate Democrats will head to the steps of the Capitol to highlight what this lawsuit could mean to average Americans. My Republican friends should take note. The American people are keenly aware of which party is trying to take away their healthcare. Even if it happens through the courts in this Trump-supported lawsuit, they will know that congressional Republicans, by their silence—their meek, supine acquiescence—are complicit in the unraveling of our healthcare system. I believe the American people will hold them accountable at the ballot box if they don't change.

#### ELECTION SECURITY

Madam President, on election security, tomorrow the Senate will gather for a briefing by senior officials of the defense, law enforcement, and intelligence community on the threats facing our elections in 2020.

Russia has interfered in our elections. Everyone agrees with that. Our administration is doing nothing to stop it from occurring again in 2020, so we need a briefing by law enforcement on how serious the threat is—they have said “serious” in public statements—and what we are doing to stop it.

I am glad that Leader McConnell agreed to my request and has worked with us to schedule a briefing. It should dispel all doubt in this Chamber about the need to take action ahead of next year's Presidential elections.

I would say this: A briefing is important; a briefing is necessary, but it is by no means sufficient. We must then debate and adopt measures to protect our democracy and preserve the sanctity of our elections. Even though Leader McConnell has finally agreed to have this hearing, he has so far been content—once again, a legislative graveyard—to have the Senate do nothing—do nothing—when it comes to one of the greatest threats to our democracy, that a foreign power will reach in and interfere for its own purposes, not to help Americans.

Bipartisan bills exist. We could put them on the floor right now. This is not a partisan issue. Senators Rubio and Van Hollen have the DETER Act. Senators Menendez and Graham have the Russia sanctions bill. But all of these bills have languished, victims of Leader McConnell's legislative graveyard. We have many more options when it comes to election security—legislation from Senators Klobuchar and Warner, Feinstein and Wyden, Blumenthal and many others. It is time we move on these bills. As we continue to negotiate appropriations bills, we should include significant resources for election security. Nothing less than the vitality of and faith in our democracy is at stake.

There are not two sides to this issue. A foreign adversary attacked our democracy. I expect that Special Counsel Mueller's testimony next week will highlight once again that Russia's efforts to interfere in our democracy were sweeping and systematic.

What are we waiting for? What are we waiting for—for them to interfere again and for more Americans, whether they be Republican or Democrat or Independent, left, right, or center, to no longer believe this democracy is legit? For 243 years, since the Declaration of Independence and certainly since the signing of the Constitution a few years later, we have had faith in this democracy, even when the outcome isn't what we want. But that faith is already eroding in good part because foreign powers can interfere in our elections. We cannot—we cannot—let that happen, no matter who you are, what your politics are. But Leader McConnell is standing in the way of what could eat at the roots of our democracy and eventually make this mighty oak, the American experiment, fall. We don't want that to happen.

The briefing tomorrow is a good step, but it is only one step. We need to take more. We need to act, to prepare our democracy for the challenges ahead.

#### FOX NEWS

Madam President, I felt it was important to point this one out: President Trump amazingly attacked FOX News in the last few days in a series of tweets for coverage he viewed as unfavorable to his administration. This is FOX News, a news outlet that, frankly, is 90 percent or more on the President's side. Their most popular shows seem to just be cheerleaders for President Trump. To me, it is the most biased newscast there is of the major news stations, not that any of them are free of any bias. Yet when President Trump hears a small, dissident tweet, dissident note, from FOX News, and now he attacks it—what kind of thin skin does this man have? What kind of thin skin? But it is worse than his thin skin—when a President can attack a news organization that is overwhelmingly friendly to him, with some of his leading advocates getting prime time space, some of them going to his rallies, it shows he really doesn't believe

in freedom of the press. Dictators—dictators—shut down the press and try to shame the press when they speak truth to power, which is what our President has done in all the years of this Republic.

When President Trump can even attack FOX News because once in a blue moon it says something he doesn't like, that shows he doesn't really deserve to be President because a President must protect our liberties whether or not he is under fire.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COTTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING RIVER NIMMO

Mr. COTTON. Madam President, I want to call your attention to a story that is tragic but also heartwarming and uplifting.

Honorary Colonel River “Oakley” Nimmo of Camden, AR, passed away last month at the age of 5 after a protracted struggle with his enemy, a rare form of cancer called neuroblastoma. Oakley's family remembers him as a “sweet, brave boy” who liked to play with power wheels and toy guns, but all those who knew him or who have learned about him will remember Oakley for an act of service that perhaps only a child could perform.

Oakley wanted to be an Army man when he grew up. Even in the advanced stages of his fight with cancer, you would find him at the hospital wearing camouflage fatigues and a helmet, with his trusty rifle by his side and a smile on his face.

Oakley fought his cancer valiantly, going above and beyond the call of duty. He was strengthened along the way by his Arkansas neighbors, who held yard sales and sold bracelets to help the Nimmo family pay for his care. He was also supported by 20,000 prayer warriors on a Facebook page entitled “Prayers for Oakley Nimmo.” But ultimately it was God's will that Oakley should return home to him. He passed away on the 20th of June.

In light of Oakley's heroic struggle, as well as his dream of becoming an Army man, Oakley was named an honorary colonel in the Arkansas National Guard. In the days leading up to his funeral, his family made a simple request: that veterans and servicemembers show up at the funeral in their uniform to give Oakley the proper sendoff. Word got around, and dozens came. Some traveled from nearby towns. Most had never even met this little boy, but it didn't matter—he was a soldier like one of them. Soldiers from the Arkansas National Guard provided funeral honors for Oakley. They presented Oakley's mother, Shelby, with the flag and a special ID tag with

his name on it. Like a true soldier, Oakley was sent off from this world to the moving tune of "Taps" played by a military bugler.

Colonel Nimmo's tour of duty on this Earth was brief, but he did teach an important lesson to all of us. At times, some voices may express doubts about our military, but Oakley reminded us—as perhaps only a child could—that being an Army man, a brave protector of our Nation, is one of the highest honors to which an American can be called.

The veterans and the servicemembers who attended Oakley's funeral were there to honor him, but, in fact, it was a double honor because through his life and dreams, little Oakley honored them in return.

Oakley looked up to our troops in life. Now he looks down on them from above, where he will remain in God's presence and our memory as a brave fighter against cancer, an inspiration, and indeed, for all time, an Army man.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTHCARE

Mr. CORNYN. Mr. President, yesterday our friend from New York, the minority leader, spoke on the Senate floor about the latest challenge to ObamaCare—the Affordable Care Act—which is being considered by the Fifth Circuit Court of Appeals this week. Also, if you can believe the press, he is also going to have a press conference with the Speaker and other notable Democrats to talk about the danger of a court decision on the constitutionality of the Affordable Care Act. As one might imagine, he painted a pretty grim picture of what would happen if the court were to strike down the Affordable Care Act, affirming the judgment of the trial court. Of course, he tried to place the blame squarely on those of us on this side of the aisle. It is strange to me because blaming Republicans in Congress for a yet-to-be-decided court case doesn't make a lot of sense, but it is pretty consistent with the message we have heard from our Democratic friends.

If the minority leader is going to pick a bone with anyone, then I guess his complaint is really about the Constitution itself. Court cases are decided on a case-by-case basis based on what the law is, and, of course, the Constitution is the fundamental law of the United States. So if a court ultimately holds an act of Congress to be unconstitutional, it is because the Constitution prohibits it. And a consensus among all Americans is that the Constitution shall be inviolable, dating

back to the early 19th century. The Supreme Court has made clear that is ultimately their job—not to decide what the policy should be but whether the policy enacted by Congress is consistent with the requirements of the Constitution.

So I find it pretty bizarre that in about an hour, the Democratic leader will join Speaker PELOSI for a news conference to talk about coverage for preexisting conditions, and I have no doubt that once again they will try to blame Republicans as the bad guys and somehow perpetuate this myth that Republicans are opposed to covering people for preexisting conditions in their health insurance policies. They know that is false. They know that is a bald-faced misrepresentation of what our policy choices are in this body and in Congress as a whole. There is one thing that I think there is a consensus on in Congress with respect to healthcare, and that is that preexisting conditions should be covered. In fact, there are pieces of legislation that I have cosponsored in the Senate that do that expressly. The illogical fallacy of their argument is that the only way one can do that is through the Affordable Care Act.

As we know, the Affordable Care Act has been a Trojan horse for a whole lot of other policies that, frankly, are not particularly popular because they have resulted in high deductibles and high premiums and have made it harder and harder for people to afford coverage. It has also precluded individuals from picking the kind of coverage that best suits their family's needs at a price they can afford.

I think it is important for the American people to understand what we all understand—including the Democratic leader and the Speaker—which is that what they are saying about preexisting conditions is false. They know it, we know it, and it can be demonstrated. Yet they persist in saying it because they believe that people are either uninformed, naive, or so partisan that they will not be guided by the facts but, rather, by the partisan rhetoric.

Here is the other strange thing in all of this. Most progressive Democrats—we used to call them liberals; now they call themselves progressives—have embraced Medicare for All as a solution to our Nation's healthcare challenges. As the Presiding Officer knows, Medicare for All would be a recipe to bankrupt Medicare, which has traditionally, legally, and historically been a benefit earned and contributed to by seniors in order to cover their healthcare when they are 65 or older. So dumping 180 million or so additional people into Medicare who have private health insurance is really a recipe for bankrupting it, thus undermining the benefit that seniors thought they were buying into during their entire lives.

Here is the other irony I find. When he was trying to sell the Affordable Care Act, we heard that President Obama said, if you like your existing

healthcare policy, you can keep it. That is what he said. It didn't end up being the case, but that is what he said. Yet now our Democratic colleagues have become so radicalized on healthcare that they are essentially saying, if you have private health insurance you like, you can't keep it. You can't keep it.

This is a very strange place to work sometimes because people say things they know are not true, but they hope they can capitalize on people's ignorance or on their partisanship. Yet, as many have said before, facts are stubborn things, and those are the facts; that there are other ways to cover preexisting conditions other than with the Affordable Care Act. For a party that has embraced this idea of Medicare for All and that wants to destroy privately held health insurance, it seems pretty rich for them to then blame this side of the aisle for wanting to destroy private health insurance that covers preexisting conditions.

A January Gallup poll found that 7 in 10 Americans have a negative view of our healthcare system and have described it as being in a state of crisis or as having major problems, which is to say that ObamaCare is not working as well as the advocates thought. As we know and as I have said, it is not the only way to protect patients who have preexisting conditions.

Earlier this year, I cosponsored a bill that was introduced by our friend from North Carolina, Senator TILLIS, called the PROTECT Act, which would ensure that no American would ever be denied health coverage because of one's having a preexisting condition. Now, the Democratic leader and the Speaker know that. Yet, presumably, today, at 12:30, when they hold their press conferences, they will say all Republicans are opposed to covering preexisting conditions because of this court case in the Fifth Circuit that has yet to be decided. They are just gleeful that this will provide, they think, some way for them to argue what they know is not true—that the Republicans are opposed to covering people's preexisting conditions.

I believe health coverage for these patients shouldn't hang in the balance of a court decision because, ultimately, it is our decision. If we pass the PROTECT Act, it would finally codify what I hope every Member of this body would agree on—that Americans deserve access to healthcare coverage. The PROTECT Act is just one example of the countless healthcare bills that are working their way through the Senate right now.

In addition, in the Senate Finance Committee, we are considering a package of bills to reduce prescription drug prices, just as we have in the Health, Education, Labor, and Pensions Committee and in the Judiciary Committee. The HELP Committee overwhelmingly passed a bipartisan bill to reduce healthcare costs, to increase transparency, and to eliminate surprise

medical bills. Last week, the Judiciary Committee unanimously reported out legislation that would keep pharmaceutical companies from gaming the patent system. Our colleagues—or political candidates—can go on TV and try to spin the ObamaCare system all they want, but we are going to continue to work hard to make real meaningful changes to make our healthcare system better.

#### BORDER SECURITY

Mr. President, on another matter, we know that a record number of migrants is continuing to cross our southern border, and the impact on Texas communities—the State I represent—has been overwhelming.

Detention centers are over their capacities. Customs and Border Protection officers and agents are pulling double duty in their being law enforcement officers and caregivers to children, not because that is what they have been trained to do but because that is what they must do in order to take care of this flood of humanity. Nongovernmental and community organizations are unable to keep up with this pace of the thousands of people who have been coming across the border each and every day.

Before the Senate recessed for the Fourth of July week, which was about 10 weeks after the President requested emergency funds, we finally passed a bipartisan bill to send much needed humanitarian relief. It includes additional funding for the departments and agencies that have depleted their resources in trying to manage this crisis, and it makes \$30 million available in reimbursement for which impacted communities may apply—charges that should be the Federal Government's responsibility and not the local governments'. As I said, after some hand-wringing and delay, the House passed this bill, and the President signed it. I hope my constituents back in Texas who have been working tirelessly to manage this crisis will soon find some relief.

It is important to remember, though, that depleted funding isn't the reason for the crisis; it is only a symptom of a larger problem. In other words, we are dealing with the effects and not the cause of the basic problem. Without getting to the root cause, we are only setting ourselves up for failure, which means we will be back here in another couple of months and will have to pass another emergency appropriations bill for an additional \$4.5 billion to try to deal with the problem we can fix but have refused to.

Sadly, this issue has become so politicized that few are willing to reach across the aisle and find solutions, and most of the proposals we have seen are ultrapartisan. The Democrats who are running for President support things like decriminalizing illegal border crossings or providing free healthcare to undocumented immigrants, both of which are unpopular, unsafe, and completely unaffordable. The vast majority

of Americans oppose open borders and already struggle to manage their own bills. They certainly don't want to be burdened with the costs of people who enter our country illegally and don't pay taxes.

We don't need these radical proposals to solve the crisis at our southern border. Both in the short term and the long term, we need bipartisan solutions that can provide some real relief. If we want to get to the root of the crisis and avoid making emergency funding bills the norm, we need to get down to brass tacks and talk about real reforms that, No. 1, will fix the problem and, No. 2, will stand a chance of actually becoming law.

Right now, there is only one bill, to my knowledge, that has bipartisan and bicameral support, and that is a bill called the HUMANE Act. I introduced this bill with my Democratic friend in the House, HENRY CUELLAR, to address the humanitarian crisis at the border.

First and foremost, the HUMANE Act includes important provisions to ensure that migrants in our custody receive proper care. It requires the Department of Homeland Security to keep families together throughout their court proceedings, and it includes additional standards of care. Beyond suitable living accommodations, the HUMANE Act requires each facility to provide timely access to medical assistance, recreational activities, educational services, and legal counsel.

It would require all children to undergo biometric and DNA screening so family relationships could be confirmed so as to ensure these children would be, in fact, traveling with their relatives rather than with human smugglers or sex traffickers.

In order to better protect children who would be released to Health and Human Services, this bill would place prohibitions on certain individuals who could serve as guardians. For example, no child should be released into the custody of a sex offender or a human trafficker. I would hope we could all agree on that.

In addition to improving the quality of care for those in custody, the HUMANE Act would improve the ways migrants would be processed. It would require the Department of Homeland Security to establish regional processing centers in high-traffic areas, which would serve as a one-stop shop by which the process would take place. This was a recommendation from the bipartisan Homeland Security Advisory Council. It would also alleviate the long wait times that are experienced by many asylum seekers. These centers would have personnel on hand from across the government to assist, including medical personnel and asylum officers.

In addition to these changes, the legislation would also include provisions to make some commonsense improvements, such as additional Customs and Border Protection personnel and training for CBP and ICE employees who work with children.

The HUMANE Act would make much needed reforms to improve the processing and quality of care for migrants. Importantly, it would also take steps to address the flow of those who enter our country by the tens of thousands each month.

I spend a lot of time talking to folks who live and work on the border about the status quo and what we need to do to prevent this crisis from becoming even bigger. The most common feedback I get is that we need to close the loopholes that are being exploited by the people who are getting rich off of trafficking in human beings from Central America, across Mexico, and into the United States.

One of the most commonly exploited loopholes is something called the Flores settlement agreement, which was created to ensure that unaccompanied children don't spend long periods of time in the custody of the Border Patrol. It was and remains an important protection for the most vulnerable people who are found along our border. It also ensures they can be processed and released to either relatives or to the Department of Health and Human Services pending the presentations of their cases before immigration judges when they claim asylum. Yet a misguided 2016 decision by the Ninth Circuit effectively expanded those protections from children to families.

One thing I can say with some certainty is that human smugglers and traffickers are not fools; they are entrepreneurs. They are twisted and criminal, to be sure, but they are entrepreneurs. They know how to exploit the gaps in our system, and they know how to make money while doing it. They know, if adults are traveling alone, they could be detained for long periods of time before they are eventually returned home after presenting their cases before immigration judges. So now, rather than there being single adults who arrive at the border alone, adults are bringing children with them so they can be processed as family units, thus taking advantage of that expansion of the Flores settlement agreement and drawing out the process to the point at which it overloads the system. They realize they can bring a child—any child—and pose as a family so they will be released after 20 days, never to be heard from again.

We have seen a massive increase in the number of families who have been apprehended. In May of 2018, roughly 9,500 families were apprehended. In May of this year, the number skyrocketed to more than 84,000. So, in just 1 year, it went from 9,500 to 84,000. Now, are legitimate families crossing the border? Absolutely. Yet we know many of these people who claim to be related are fraudulent families who use innocent children as pawns to gain entry into the United States. Something that nobody wants to talk about is, often, these children are abused and assaulted along the way, and many arrive at the border in critical health.



If we care about the welfare and the lives of these children, we cannot let these practices continue. It is unfair not only to these children but to the American people and to the immigrants who have waited patiently to enter the United States legally for people to be able to game the system, move to the head of the line, and break all the rules while doing it.

The HUMANE Act would clarify that the Flores agreement applies only to unaccompanied children. It would also provide greater time for processing and immigration proceedings to take place before a family is released from custody.

Eliminating this pull factor is an important way to stop the flow of those illegally entering our country because they know how to game the immigration system.

While the HUMANE Act will certainly not fix every problem that exists in our broken immigration system, it is an important start. It is a necessary start. It is the only bill pending before the Congress that is bipartisan and bicameral, and I would encourage all of our colleagues who are serious about our responsibilities to get to the root of this humanitarian crisis to join us and get this passed and sent to the President for his signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

#### AFFORDABLE CARE ACT

Mr. Kaine. Mr. President, I rise today in support of the Affordable Care Act and to discuss the devastating impact its potential elimination would have on rural families and rural communities.

My State, Virginia, has so many rural communities, and in that, I am with every other Member of this body, and I want to talk specifically about them.

The Trump administration has sought for years to end the Affordable Care Act using every tool available. They have worked on that task here in Congress to repeal it and sabotage it and even dismantle it in the court system. Today marks another milestone in that deeply troubling effort.

The U.S. Fifth Circuit Court of Appeals will hear oral arguments in a case that could strike down the Affordable Care Act in its entirety. If the ACA were struck down, families and communities around the country would bear life-altering consequences, and the healthcare system would be thrown into chaos. Tens of millions of Americans would lose healthcare coverage and protections for preexisting conditions, among the countless other consumer protections that have been put in place by the ACA.

A number of my colleagues are going to be on the floor this afternoon speaking about particular aspects of this that trouble them. I want to focus on one in particular: how important the Affordable Care Act's Medicaid expansion is to rural America and how much

is at stake for those communities should the Affordable Care Act be eliminated.

Medicaid expansion enables low-income, rural residents to get affordable, quality health insurance so they can get the care they need. It is often the case that insurance companies do not compete with the same intensity in rural communities because there are just not enough patients. So it is common in rural America for somebody wanting to buy an insurance policy on the exchange, for example, to maybe have only one option. Medicaid expansion has turned out to be a huge benefit for many low-income people living in rural America. Many of those who are receiving insurance pursuant to Medicaid expansion were previously uninsured, and so for some, it is the first insurance they have had in their lives.

A particular impact of Medicaid expansion has not been on just individuals receiving that Medicaid but on the hospitals that are sort of the healthcare and even economic pillars in rural communities. Rural hospitals often have a difficult time making the finances work. Again, lower patient volumes make it difficult. Medicaid expansion has meant that the care they have been providing that in the past might not have been reimbursed at all—they are now able to at least get a Medicaid reimbursement, and that has been a significant financial benefit to these hospitals.

Mr. President, you understand this because your State is like mine, and there are a lot of rural communities. Rural hospitals are often the lifeblood of rural communities. They can be the largest employers in a town or a county. They often do a tremendous amount of outreach on healthcare and other philanthropic efforts not just within the hospital walls but outside the hospital walls—sponsoring the Little League teams and doing the things that make a community a community.

Residents of rural communities need access to healthcare, but they also need access to jobs and good healthcare information. Rural hospitals provide that.

I have seen the impact of rural hospital closures in Virginia firsthand. Two rural hospitals in Virginia closed in recent years because Virginia did not expand Medicaid initially. In the last year, Virginia has done Medicaid expansion, but before Medicaid expansion was done, we saw hospitals close in two communities in Virginia: Patrick County, which is a south side Virginia county that is on the border with North Carolina, and Lee County, which is a far southwestern Virginia county that is on the border with Kentucky and Tennessee. Two hospitals have closed in those communities.

I got a letter from a mother in Christiansburg, VA, which is actually up near Virginia Tech. Her name is Robin, and she wrote about the closure of the Pioneer Hospital in Patrick County in 2017.

She wrote this:

My mother who recently turned 70 still lives in the county, and we are approaching a point of either moving back to Patrick County or moving my mother to Christiansburg where we currently live. My son has severe food allergies that could lead to anaphylactic shock (which would require immediate medical attention) so this variable also weighs very heavily on my mind when considering the options of how to manage my family's land and take care of my mom. I don't want to live somewhere without access to emergency health care. It seems inconceivable that this is the case in the era in which we live now. . . . Please help get my home county back on the medical map to give its economy and its people a fighting chance.

Blacksburg is probably an hour and a half to 2 hours away. The mother is living in a county that now has no hospital—she has turned 70—so she doesn't have access to the care that she needs. The daughter is trying to decide: Do I move back? But I have a son who needs care because of allergies. Do I have to move my mother out of the home where she would rather stay?

Rural hospitals across the country are struggling to keep their doors open for a number of reasons, but here is an amazing set of statistics. Whether a State expands Medicaid pursuant to the ACA is a massively significant factor in rural hospitals' financial outlook and decisionmaking. Without Medicaid expansion, rural hospitals may be forced to cut vital services or even close. Here is the data point that really says it all: Since January 2010, 107 rural hospitals have closed in the United States, and 93 of those 107 hospitals were in States that had not expanded Medicaid at the time of the closure.

Hundreds more rural hospitals are at risk of closure. Rural hospital closures disproportionately occur in States that have not expanded Medicaid. The success of the Texas case would wipe out the ACA, including Medicaid expansion, and deeply penalize these rural hospitals.

A comprehensive 2018 study published in Health Affairs found that Medicaid expansion is directly associated with hospital financial performance and that expansion substantially reduces the risk of hospital closure, particularly in rural areas. The study also found that going back to pre-ACA eligibility for Medicaid would drive even more rural hospitals to closure.

So we think about Robin's dilemma of a mother living in a rural area where the hospital has closed. If the ACA is struck down and there is no Medicaid expansion, this is going to be faced by more and more rural communities across the country, and that means this is a dilemma individuals and their families will ultimately face.

Research from Georgetown University's Health Policy Institute indicates that the uninsured rate for low-income adults in rural communities fell three times as fast in States that expanded Medicaid as compared to States that did not expand. Turn that around.

States that expand Medicaid find that rural families have a dramatically higher likelihood of having insurance than those in rural areas where the States haven't expanded Medicaid.

As of now, 36 States, including Virginia, have expanded Medicaid and 14 have not. I am thrilled that earlier this year Virginia, after a multiyear battle, finally announced that Medicaid expansion was happening. In less than a year after expansion, nearly 293,000 adults are newly enrolled in Medicaid in Virginia, many of whom never had health insurance before in their lives—293,000 adults in a State where the population is about 8.5 million. That is a significant number of people who have received insurance through Medicaid expansion. They risk losing their eligibility if the administration is successful in its efforts to gut the ACA.

If we care about rural residents and rural communities, there are a number of things we can do.

First, we need to stand up against the administration's attempt to end the ACA, including its Medicaid expansion.

I have now been in public life for 25 years since I was elected to the Richmond City Council in May 1994. I will say that in all of the elections I have been in, up or down, and all the various legislative and other battles, the single most dramatic moment in my life as an elected official was standing on the floor of this body at 2 o'clock in the morning when Senator John McCain, fresh out of a hospital after being diagnosed with a glioblastoma brain tumor, cast the deciding vote, and by one vote—one vote—we saved the Affordable Care Act. I have never in my life in the public realm experienced something that was so dramatic and so consequential.

We have to continue to stand up. I would have thought that vote might have moved us to a new chapter where we would be talking about fixing and improving rather than repealing, but that is not the case, as evidenced by the lawsuit today. But my hope is that we will resist efforts to sabotage and destroy and instead join together in efforts to improve. I have joined with my colleagues to cosponsor a resolution allowing Senate legal counsel to intervene in the lawsuit, to defend the Affordable Care Act.

The second thing we can do to help rural communities is focus on the 14 States that haven't yet expanded Medicaid and provide them a clearer path and encouragement to do so.

I am proud to be an original cosponsor of something called the SAME Act, which would extend the same level of Federal assistance to every State that chooses to expand Medicaid regardless of when the expansion occurs. I think that is important.

Let's use the original Medicaid Program as an example. It was passed in 1965. It was not a mandate; it was an option. The last State—Arizona; State 50—that joined didn't join until 1982.

There was a 17-year period between when the first State joined the then-voluntary Medicaid Program and when the last State joined.

Let's make sure that whenever States join, they are treated the same. If this bill passes, States that choose to expand now—these 14 States—we would make sure that they get the full Federal level of assistance as was available to those States that initially joined, and that should help remaining States get off the sidelines.

Finally, we need to stand up against administrative sabotage to the Affordable Care Act. We shouldn't promote skimpy insurance plans. We shouldn't slash funding for enrollment, outreach, or marketing. We should build on and improve and, yes, fix—because it is not perfect—the ACA to extend its promise of affordable coverage to even more Americans.

That is why I have introduced Medicare-X legislation to establish a public insurance plan that could be offered on the ACA exchanges, beginning in rural areas. My bill would also make the ACA's tax credits more generous, expand tax credit eligibility to additional families, and allow for an enhanced reimbursement rate in rural communities where low patient volumes often pose financial challenges to healthcare providers.

In closing, the ACA has meant the difference between life and death for many families across the country, and I run into them every day.

I am going to be standing with some Senate colleagues on the steps of the Senate in a few minutes talking about a youngster from Winchester, VA, who has a series of significant healthcare challenges that would essentially in the past have made him uninsurable because of preexisting conditions but who now—because of that protection within the ACA, he and his family at least have the peace of mind of knowing that he can't be kicked off insurance or turned down for insurance because he happened to be born with a condition over which he had no control.

If the ACA were to be struck down, families and communities would suffer, and I think that in Virginia, that would particularly be the case in our rural communities.

Again, I am just going to hold up this issue of our rural hospitals. We need to protect rural hospitals not only because of the healthcare they provide but because they are employment centers and centers of community outreach. When we see the closure of rural hospitals overwhelmingly being in States that have not expanded Medicaid, that tells us how valuable that portion of the ACA has been to stabilize the provision of rural healthcare.

I will continue to fight to protect the ACA and the health of my rural communities in Virginia and elsewhere. I encourage my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

#### THE ECONOMY

Mr. THUNE. Mr. President, we received more good economic news on Friday with the announcement that the economy created 224,000 jobs in June.

Meanwhile, unemployment remained near its lowest level in half a century. June marked the 16th straight month that unemployment has been at or below 4 percent. That is a tremendous record.

June also marked the 11th straight month that wage growth has been at or above 3 percent. Before 2018, wage growth had not hit 3 percent in nearly a decade.

Friday's announcement was just the latest piece of good news about the economy. Thanks to Republican economic policies, the economy has taken off during the Trump administration. Economic growth is up, wage growth is up, personal income is up, and the list goes on.

Importantly, the benefits of this economic growth are being spread far and wide. One of the distinguishing features of the economic expansion that we have been experiencing is the way it has been reaching those who have trailed behind economically.

Over the past 3 years, pay hikes for the lowest income workers have exceeded pay hikes for the richest workers. Huge numbers of new blue-collar jobs have been created, and the employment situation for minorities has improved substantially.

The unemployment rates for Asian Americans, African Americans, and Hispanic Americans are all at or near record lows. The Wall Street Journal notes that "Nearly one million more blacks and two million more Hispanics are employed than when Barack Obama left office, and minorities account for more than half of all new jobs created during the Trump Presidency."

So where has all this economic progress come from? At the end of the Obama administration, 2½ years ago, the economic outlook wasn't too rosy. The economy was sputtering, and American families were struggling. Some were predicting that a weak economy would be the new normal.

Republicans, however, didn't agree with that. We knew that American workers and American businesses were as dynamic and creative as ever. But we also knew that burdensome regulations and an outdated tax code were holding our economy back and reducing the opportunities available to workers. So when we took office in 2017, we got right to work on improving



our economy in order to improve life for the American people.

We eliminated burdensome regulations that were acting as a drag on economic growth, and we passed a historic reform of our Tax Code to put money in Americans' pockets and make it easier for businesses to grow and to create jobs. Now we are seeing the results: a thriving economy that is extending more opportunities to more Americans.

For all of Democrats' talk about inequality, it is actually Republicans and President Trump who have done something about it. We have helped create an economy that is lifting up people across the entire economic spectrum.

There is still more work to be done, of course. For one thing, we need to make sure that the agriculture economy is able to catch up to the economy at large. But thanks to tax reform and other Republican economic policies, American workers are doing better than they have in a very long time.

It is unfortunate that the gains we have made would be reversed if Democrats have their way. Democrats' plans—from budget-busting government-run healthcare to free college—all have one thing in common: They would cost a lot of money.

Where would the government get most of that money? From tax increases—tax increases on businesses and tax increases on ordinary Americans.

Thanks to the tax relief that Republicans passed, the economy has expanded, paychecks have increased, and more jobs and opportunities have been created.

Raising taxes would result in the opposite: fewer jobs and opportunities, a smaller economy, and more families struggling to get by on smaller paychecks.

Republicans are determined to make sure that doesn't happen. We are committed to building on the progress we have made and further expanding economic opportunity for all Americans.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Pennsylvania.

HONG KONG

**MR. TOOMEY.** Mr. President, I rise today to speak about the very high-stakes political and social crisis that has been unfolding in Hong Kong over the past several weeks.

Hong Kong is a very exceptional city. It boasts of a very robust free market economy that has thrived for centuries. It has a very vibrant free press. It has an independent judiciary and a partially democratic election system. Those freedoms, combined with Hongkongers' natural entrepreneurial spirit and appreciation for individual liberty, have made Hong Kong a jewel of the financial and business world, one of the freest places in Asia, and a great place to live—for a time, anyway, as I did back in 1991.

Economic and political achievements are particularly impressive when you

consider that Hong Kong is, after all, a part of China, which has neither a free economy nor a politically free society.

Back in 1997, Great Britain transferred Hong Kong to China on a condition—an explicit written agreement—that Hong Kong's social and economic systems would remain unchanged under a "one country, two systems" arrangement that would last for at least 50 years, until 2047.

The Chinese Government also made a pledge at the time—a pledge that Hong Kong's legislative and executive leaders would be elected through "universal suffrage." Yet, here we are, 22 years later. Hongkongers still do not enjoy complete universal suffrage, and Hong Kong has faced deep and persistent efforts by the mainland to erode the independence and the authority of Hongkongers.

On the surface, this ongoing crisis in Hong Kong was clearly caused by the Hong Kong Government, probably at the behest of the Chinese leadership in Beijing to pass a deeply unpopular extradition bill. This bill would diminish Hong Kong's independent legal system very dramatically, and it would do so by allowing and exposing individuals in Hong Kong—including Hong Kong citizens, foreigners, and even tourists—to being extradited to China.

The accused would then face prosecution by an authoritarian government in mainland China that does not uphold the rule of law, nor does it practice the fair and impartial administration of justice. Let's face it. The judicial system in China is politicized and controlled by the Chinese Communist Party.

Some people are concerned that if this bill were to become law, it would even pave the way for Chinese state-sponsored kidnapping of dissidents. It certainly would have a chilling effect on freedom in Hong Kong, a chilling effect on the ability of Hong Kong people to live their lives and express their views without the fear of political repercussions. It is simply a fact that mainland China is a legal black hole, and Hong Kong's extradition bill would be a step to exposing Hong Kong residents directly to mainland China's opaque and often blatantly unfair legal system.

In response to this threat, the people of Hong Kong have for weeks poured into the streets, calling for a withdrawal of this bill and deeper democratic reforms. Remarkably, last month, one of these protests—one of these demonstrations brought together an estimated 2 million Hongkongers into the streets. It is stunning anywhere in the world that 2 million people would come out to protest anything. But in Hong Kong, it is truly staggering because the total population of Hong Kong is only 7.4 million. That is about one in four Hongkongers who were on the streets protesting.

Just today, the Hong Kong Chief Executive said that bill was dead. But it has not been formally withdrawn, as I

understand it, and I think the threat remains.

It is also important to note that on a deeper level these ongoing protests are really a response to efforts by the Chinese Government to "mainlandize" Hong Kong. It is an effort in which political, cultural, and even physical distinctions between Hong Kong and mainland China are meant to be diminished, the differences blurred, and the distinction eroded.

The extradition bill is just the latest example of the Hong Kong people's struggle for the freedom, democracy, and respect for human rights that they cherish, that they want to hold on to, and that were promised to them when the handover occurred in 1997.

Hongkongers really have a rich history of protest, and I think that history reveals their enduring grassroots desire for the freedoms they have grown to love and cherish and for a democratic form of government that they deserve.

Back in 1989, the Tiananmen Square massacre that we all remember—the 30th anniversary was just last month. On the eve of the massacre, once it was clear the Chinese Communist Government would respond to peaceful protesters with bullets and tanks—once that became clear, about 1.5 million Hongkongers marched in the streets of Hong Kong in solidarity with the students in Tiananmen.

In 2003, the Hong Kong leadership proposed an anti-subversion bill. Hongkongers rightly saw this bill as an attack on their freedom of speech and freedom of association. The Hong Kong leadership proposed it—again, doing it at the behest of the mainland Chinese Government—and 500,000 citizens protested and eventually forced the government to withdraw the bill.

In 2014, the Hong Kong Government announced a reform to change how Hong Kong's Chief Executive was selected. The proposal was meant to continue what already existed, and that was mainland Chinese Communist control over the election process in Hong Kong. One of the mechanisms they used to achieve this was that only candidates vetted by a committee of mostly pro-Beijing supporters would be allowed to seek the office of Chief Executive.

In response to this undemocratic measure, Hong Kong students staged a campaign of civil disobedience and peaceful protest to oppose this effort. Up to a half a million people participated in the movement. Students famously used umbrellas to shield themselves from tear gas and pepper spray that was being launched at them by the police, so much so that the pro-democracy protesters were quickly termed the "Umbrella Movement."

All of these protests and acts of civil disobedience make it clear that Hongkongers want more freedom, not less freedom.

I think this matters. This matters obviously in Hong Kong, but it matters

beyond Hong Kong. It matters to us. It should matter to us. What is happening in Hong Kong is not just important for those residents but for the rest of the world. Today the people of Hong Kong are fighting against an unpopular and unfair extradition bill. They are really fighting for a future in which they can enjoy basic human rights, natural rights that everyone should have, including the right to free speech, the right to a fair trial, the right to be confident that your government will follow the laws of the society in which it exists, and participation in a just and fair representative system of government.

If the Chinese officials in Beijing and the Communist Chinese who rule mainland China have their way, they will extinguish these rights for the people of Hong Kong. If the extradition bill were to become law, it would threaten all of those rights because of the chilling effect of the threat of being extradited to the lawlessness of the Chinese judicial system.

In some important ways, I think Hong Kong can be seen as a canary in a coal mine for Asia. What happens in Hong Kong will at least set expectations, create a climate that will maybe affect what happens in Taiwan over time, other Asian nations that are struggling for freedom in the shadow of China. The fact is, China itself is controlled by an authoritarian government, interested primarily in its own survival. That is the top priority of Beijing's leadership. They have created a modern-day police state. They use mass surveillance, censorship, internet applications in order to control their own citizens. They have imprisoned over a million of their own citizens, the Muslim Uighur minorities, in concentration camps.

China's authoritarianism threatens free and open societies all around the world. A democratic Hong Kong is a direct threat to the Communist regime in Beijing because people across China, naturally, ask the question: Why do Hongkongers get to have more rights and a better life and more freedom than we have? That is the threat the government in Beijing is trying to extinguish.

We, of course, recently had the blessing of being able to celebrate our own Independence Day, when Americans reflect on our own struggle against tyranny, against an unjust government, and our successful effort to throw that off and establish this, the world's greatest, most vibrant, and freest democratic society.

In many ways, the Hongkongers are fighting for some of the very same values as our Founding Fathers did during the American Revolution. I think it is important that we in the United States not turn a blind eye to the struggle for freedom that is happening outside our borders. I think it is important that Americans continue to stand in support of the voices in Hong Kong calling for freedom, for democracy, and re-

spect for basic human rights. I will do what I can in the Senate to support the people of Hong Kong in their peaceful protests for their own freedom, and I call on my colleagues in this administration to join me.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, if I understand the procedure, are we in morning business?

The PRESIDING OFFICER. We are postcloture on the Bress nomination.

Mrs. FEINSTEIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I rise today to oppose the nomination of Daniel Bress to the Ninth Circuit in California.

First, by history and tradition, this is a California seat on the Ninth Circuit. The fact is that Mr. Bress is neither a California attorney nor a California resident. In fact, he has not been a resident of the State for over a decade. He has lived and practiced in the Washington, DC, area for almost his entire adult life.

As California Senators, Senator HARRIS and I know that experience and connection to California are really necessary for a Ninth Circuit judge to be effective on the bench. We know our State, we know our constituents, and we know the challenges they face.

That is why the blue slip is so important. Honoring the blue slip ensures that Senators who understand and are accountable to their constituents have a say in judicial nominations for their home States.

Senator HARRIS's and my blue slips were not returned. That ultimately symbolizes our objections. I was also very disappointed that the White House ignored that and moved forward with Mr. Bress's nomination.

Senator HARRIS and I worked in good faith with the White House to find nominees acceptable to the President and to us. During our negotiations that took place, we informed the White House that we could support several other nominees who were, in fact, selected by the White House. Yet the White House and the Republican members of the Judiciary Committee have claimed we were at an impasse. That is simply not true. For reasons still unknown to us, the White House abandoned our negotiations and nominated Mr. Bress for this seat instead.

I am very disappointed that Republican leadership decided to schedule a vote on Mr. Bress's nomination, given both of our objections to his nomination and our concerns about a lack of connection to our State.

Next, I want to discuss what I mean by a lack of connection to our State.

The White House has greatly exaggerated Mr. Bress's connections to California to justify their decision to move forward with a non-California nominee.

I have studied Mr. Bress's record extensively, and I would like to run through some of what I have found.

Mr. Bress claims to spend a substantial amount of time working in his law firm's San Francisco office. However, as recently as November 2018, Mr. Bress's profile on the Kirkland & Ellis LLP website listed him as an attorney working exclusively in the firm's Washington, DC, office. His profile page likewise provided contact information—phone and fax—only for the Washington, DC, office.

Just before he was nominated, Mr. Bress's Kirkland & Ellis profile was revised to list him as an attorney in both the Washington, DC, and San Francisco, CA, offices of the firm.

In addition, according to a review conducted by my staff, every public legal filing signed by Mr. Bress lists his office as Washington, DC. This includes legal filings submitted in California courts. Mr. Bress has never had an oral argument before the Ninth Circuit—never had an oral argument before the Ninth Circuit.

The chairman of the Judiciary Committee entered a letter into the record at Mr. Bress's hearing identifying 26 cases in California courts that Mr. Bress has been involved in. However, according to Mr. Bress's Senate Judiciary questionnaire, 11 of these 26 cases were asbestos lawsuits for a single client, the chemical company BASF Catalyst. Another four cases were products liability lawsuits involving another single client, the air conditioning manufacturer United Technologies Corporation. So those are two clients. This is hardly the wide breadth of California court experience that one would expect of a Ninth Circuit court appointee.

Mr. Bress does not belong to any legal organizations in California. His children do not attend school in our State. He has voted only once since high school in a California election. And he does not have a California driver's license. Finally, Mr. Bress does not own any property in California outside of one share in a family business venture.

These facts, along with Mr. Bress's residency in the Washington, DC, area—he lives here; his family lives here—make clear to us that he is not a Californian, nor is he suited for the Ninth Circuit.

This is something we have never experienced before; that is, bringing a judge from one coast to put him on the Ninth Circuit on the other coast.